

DOCKET NO. D-2012-025-1

DELAWARE RIVER BASIN COMMISSION

**Cambridge Lee Industries, LLC
Surface Water Withdrawal
Ontelaunee Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Cambridge Lee Industries, LLC (CLI) to the Delaware River Basin Commission (DRBC or Commission) on September 5, 2012 for an allocation of surface water and review of a surface water withdrawal project (Application). The surface water withdrawal project does not require the approval of the Pennsylvania Department of Environmental Protection (PADEP).

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on March 5, 2013.

A. DESCRIPTION

1. **Purpose.** The purpose of this project is to approve an existing surface water withdrawal to supply up to 33.7 million gallons per month (mgm) of industrial cooling water to the docket holder's copper tubing manufacturing facility from one intake located on the Schuylkill River.
2. **Location.** The surface water intake is located on the Schuylkill River in Ontelaunee Township, Berks County, Pennsylvania. The Schuylkill River at the intake location is designated by the PADEP as supporting Warm Water Fishes (WWF).

Specific location information has been withheld for security reasons.

3. **Area Served.** Surface water withdrawn from the Schuylkill River Intake is used only for industrial cooling at the CLI facility. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. Physical features.

a. Design criteria. The CLI Ontelaunee Plant is a copper tube manufacturing facility. There are three manufacturing buildings on the property, which are referred to as Plant Nos. 2, 3 and 4. Plant Nos. 2 and 3 are located on the southern portion of the property, and their operations and water use are completely separate from Plant No. 4, which is located on the northern portion of the property.

Copper scrap is refined at Plant No. 2 to produce copper billets. The scrap is bailed into bundles by a hydraulic bailer and then inserted into either a reverberatory or shaft furnace. After the molten copper is refined by inducing slag formation, the copper is cast into logs. The logs are then sawed into billets for processing into copper tubing at Plant Nos. 3 and 4. Copper is extruded, straightened and cut at Plant No. 3. Plant No. 4 is the largest of the three manufacturing plants at the Cambridge-Lee facility, and produces copper tubing from copper billets. The manufacturing process consists of heating billets so that they may be extruded into shells, which are coiled or straightened, drawn, and cut into appropriate lengths. A continuous casting system is planned for installation at Plant No 4.

The surface water intake along the Schuylkill River supplements the public water supplied by the Reading Area Water Authority (DRBC Docket No. D-2000-059 CP-2) to satisfy cooling water demand at Plant Nos. 2 and 3. Plant No. 4 water is supplied exclusively by the Ontelaunee Township Municipal Authority. Ontelaunee Township Municipal Authority purchases water from Reading Area Water Authority and is served water by the Borough of Leesport (DRBC Docket No. D-2001-012 CP-1).

CLI records an existing average and maximum water demand from its surface water intake on the Schuylkill River of 1.073 million gallons per day (mgd) and 1.440 mgd, respectively. CLI projects the 10-year average and maximum water demand to increase to 1.180 mgd and 1.440 mgd, respectively. The allocation of 33.7 mgm should be sufficient to meet the future demands of CLI.

b. Facilities. The existing surface water intake has the following characteristics:

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY	7Q10 FLOW AT INTAKE (CFS)	YEAR CONSTRUCTED
Schuylkill River	Schuylkill River	1,000 gpm	155	1957

All withdrawals are metered.

Withdrawn surface water directed to the cooling tower streams is treated with a biocide and corrosion inhibitor.

The CLI facilities are located above the 100-year flood elevation.

c. **Other.** Non-contact cooling wastewater, cooling tower blowdown, and industrial wastewater pre-treatment system backwash, is discharged in accordance with DRBC Docket No. D-1970-120-2 approved on September 12, 2012. The PADEP issued its most recent NPDES Permit No. PA0034304 on August 17, 2011 for this facility.

Sanitary wastewater and a small amount of cooling tower blowdown generated at Plant Nos. 2, 3 & 4 is conveyed via the Ontelaunee Township Municipal Authority sewer system to the Borough of Leesport treatment facility approved by DRBC Docket No. D-2001-021 CP-1 on December 18, 2001. The PADEP issued its most recent NPDES Permit No. PA0070149 on March 14, 2011 for the Borough of Leesport treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

d. **Cost.** This is an existing project. There are no costs associated with this approval.

B. **FINDINGS**

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

Existing Surface Water Withdrawal

This project consists of an existing withdrawal of surface water from one intake located on the Schuylkill River. The docket holder has requested an allocation for the existing intake based on existing water use. This rate is provided in Decision Condition C.I.d. in the Decision Section of this docket. As the existing withdrawal has already been realized by the local hydrologic system, there should be no significant impacts from continued withdrawals from the existing withdrawal.

Consumptive Use and Surface Water Charges

The docket holder estimates and the DRBC concurs that the project withdrawals, used for the purpose of non-contact cooling, result in a consumptive use of 30 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*. The docket holder shall pay for surface water use in accordance with the provisions of Resolution No. 74-6, as amended as described in Condition C.I.e. in the Decision Section of this docket.

Passby Flow

The docket holder's surface water withdrawal has not previously been subject to a passby flow requirement. The estimated contributing drainage area to the Schuylkill River above the CLI Intake is approximately 642 square miles. The estimated seven-day low flow with a recurrence interval of 10 years (Q7-10) at the point of withdrawal is 155 cubic feet per second (cfs). These values are based on data generated from the United States Geological Survey (USGS) Stream Stats. The project withdrawal must not cause the stream flow in the Schuylkill River to be less than 155 cfs at the point of taking and daily withdrawal rates shall be reduced as appropriate to ensure that the withdrawal does not result in flow less than 155 cfs from passing the intake. Withdrawals shall cease entirely if the flow as measured below the intake, less the

withdrawal from the intake is 155 cfs or less. Whenever the stream flow below the intake is less than 155 cfs, no withdrawal from the River shall be made and the entire natural stream flow must be allowed to pass. No withdrawals shall be made until flow in the Schuylkill River as measured below the intake is at least 158 cfs.

Within three months of the date of approval of this Docket (June 6, 2013) the docket holder shall submit an Operation Plan, subject to approval by the Executive Director of the DRBC, which shall include a means to monitor, report, and comply with the pass-by flow. The pass-by requirement will become effective upon the date prescribed in the Executive Director's approval of the plan in accordance with Condition C.I.f. in the Decision Section of this docket.

Drought Management and Contingency Plans (DMCPs)

Section 2.3.5.1 C. of the Commission's *Rules of Practice and Procedure (RPP)*, requires industrial and commercial water withdrawals in excess of one million gallons per day to develop a contingency plan including emergency conservation measures to be instituted in the event of a Commission declared drought or other water shortage. Resolution No. 83-14 amended the Commission's *Water Code* (Section 2.1.4) to include the conservation goal of a 15 percent reduction in depletive use during drought conditions. Hereafter referred to as drought management and contingency plans (DMCPs), DMCPs must contain the following: source of water supply; the average daily and monthly peak water withdrawal; average daily and peak monthly consumptive use (difference between quantity withdrawn and quantity returned to the ground or surface waters of the basin); description of recycling and conservation measures; point of discharge (where water is returned or discharged); types of products produced; normal employment levels (numbers); and estimated employment (numbers) and economic impact for curtailment of water usage for the following levels of curtailment: 10%; 25%; 35%; 50% and 100%. The DMCP shall be submitted to the Commission within 6 months (September 6, 2013) of the docket approval date. The Executive Director shall review the DMCP and either require modifications or provide approval in writing if the DMCP is found to be in accordance with the Commission requirements. The docket holder shall implement the DMCP upon direction by the Executive Director. (see Condition C.I.j. in the Decision Section of this docket).

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. The project and appurtenant facilities as described in the Section A "Physical features" are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. The docket holder shall register with and report to the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The surface water intake and operational records shall be available at all times for inspection by the DRBC.

c. The intake shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the withdrawal from the surface water source shall not exceed 33.7 million gallons. The source shall not be pumped above the maximum instantaneous rate as indicated below:

INTAKE NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
Schuylkill River	1,000 gpm	33.7 mgm

e. The docket holder shall pay for surface water use in accordance with the provisions of Resolution No. 74-6, as amended.

f. The project withdrawal must not cause the stream flow in the Schuylkill River to be less than 155 cfs at the point of taking and daily withdrawal rates shall be reduced as appropriate to ensure that the withdrawal does not result in flow less than 155 cfs from passing the intake. Withdrawals shall cease entirely if the flow as measured below the intake, less the withdrawal from the intake is 155 cfs or less. Whenever the stream flow below the intake is less than 155 cfs, no withdrawal from the River shall be made and the entire natural stream flow must be allowed to pass. No withdrawals shall be made until flow in the Schuylkill River as measured below the intake is at least 158 cfs. Within three months of the date of approval of this Docket (June 6, 2013) the docket holder shall submit an Operation Plan, subject to approval by the Executive Director of the DRBC, which shall include a means to monitor, report, and comply with the pass-by flow. The pass-by requirement will become effective upon the date prescribed in the Executive Director's approval of the plan.

g. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

h. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

i. The docket holder shall continue implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

j. The docket holder shall prepare and submit a DMCP to the Commission within 6 months (September 6, 2013) of docket approval. The Executive Director shall review the DMCP and either require modifications or provide approval in writing if the DMCP is found to be in accordance with the Commission requirements. The docket holder shall implement the DMCP upon direction by the Executive Director.

k. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

l. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

m. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

n. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

o. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

p. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

q. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

r. If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing uses of ground or surface water, or if the docket holder receives a

complaint by any existing ground or surface water users within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by any ground or surface users within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Section at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

s. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

t. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

u. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE: March 6, 2013

EXPIRATION DATE: March 6, 2023